

PATENT APPLICATION**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re the Application of

Attn: PCT LEGAL

RECEIVED

Gerhard KERN et al.

23 MAY 2006

Application No.: 10/528,803

Docket No.: 123295

Filed: April 7, 2005

Legal Staff
International DivisionFor: ELECTRONIC DISPLAY AND CONTROL DEVICE FOR A MEASURING
DEVICE**PETITION UNDER 37 CFR §1.181**Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The above-captioned application entered the National Phase on March 23, 2005, without a Declaration. The executed Declaration was filed on April 7, 2005. A Notification of Missing Requirements was mailed on July 22, 2005. A Response to the Notification of Missing Requirements, indicating that the Declaration was already filed, was filed on September 9, 2005.

The original Notification of Acceptance and Filing Receipt incorrectly list the filing date as September 7, 2005. The filing date should be April 7, 2005. It is respectfully requested that the corrected Notification of Acceptance and Filing Receipt be immediately forwarded to the attorneys of record at the address set forth below.


Attached is a photocopy of the original filing receipt on which the errors have been corrected. A copy of the April 7, 2005 date-stamped receipt and Declaration as filed are also attached. The errors are being brought to the attention of the Patent and Trademark Office so that it may correct its records.

As the errors were made by the Patent and Trademark Office, it is believed that no fee is due. However, please credit or debit Deposit Account No. 15-0461 as necessary to effect entry of this Petition.

Application No. 10/528,803

If there are any questions regarding this matter, please contact the undersigned at the telephone number set forth below.

Respectfully submitted,


James A. Oliff
Registration No. 27,075Scott M. Schulte
Registration No. 44,325

JAO:SMS/sxb

Date: May 23, 2006

OLIFF & BERRIDGE, PLC
P.O. Box 19928
Alexandria, Virginia 22320
Telephone: (703) 836-6400

**DEPOSIT ACCOUNT USE
AUTHORIZATION**

Please grant any extension
necessary for entry;
Charge any fee due to our
Deposit Account No. 15-0461

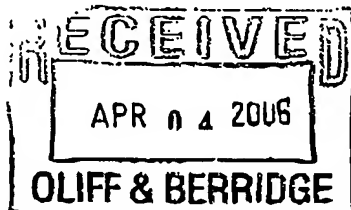


UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/528,803	04/07/2005	2629	1100	123295	7	24	1

25944
OLIFF & BERRIDGE, PLC
P.O. BOX 19928
ALEXANDRIA, VA 22320



CONFIRMATION NO. 9155

FILING RECEIPT

OC000000018409878

Date Mailed: 03/30/2006

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please mail to the Commissioner for Patents P.O. Box 1450 Alexandria Va 22313-1450. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Gerhard Kern, Gotzis, AUSTRIA;
Klaus Schneider, ~~Dornbirn~~, AUSTRIA;
Pius Vorburger, Berneck, SWITZERLAND;
Jurg Hinderling, Marbach, SWITZERLAND;

DORNBIERN

Assignment For Published Patent Application

LEICA GEOSYSTEMS AG, Heerbrugg, SWITZERLAND

Power of Attorney: The patent practitioners associated with Customer Number 25944.

Domestic Priority data as claimed by applicant

This application is a 371 of PCT/EP03/03851 04/14/2003

Foreign Applications

EP 02022820.1 October 12, 2002

Projected Publication Date: 07/06/2006

Non-Publication Request: No

Early Publication Request: No

Title

Electronic display and control device for a measuring device**Preliminary Class**

345

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process simplifies the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

**LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15**

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR

1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

SM

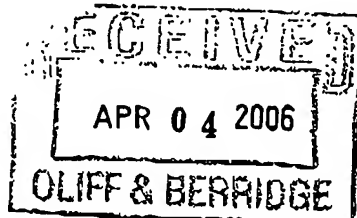


UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1459
Alexandria, Virginia 22313-1450
www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/528,803	Gerhard Kern	123295

25944
OLIFF & BERRIDGE, PLC
P.O. BOX 19928
ALEXANDRIA, VA 22320



INTERNATIONAL APPLICATION NO.	
PCT/EP03/03851	
LA. FILING DATE	PRIORITY DATE
04/14/2003	

CONFIRMATION NO. 9155
371 ACCEPTANCE LETTER

OC00000018409879

Date Mailed: 03/30/2006

NOTICE OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C 371 AND 37 CFR 1.495

The applicant is hereby advised that the United States Patent and Trademark Office in its capacity as a Designated / Elected Office (37 CFR 1.495), has determined that the above identified international application has met the requirements of 35 U.S.C. 371, and is ACCEPTED for national patentability examination in the United States Patent and Trademark Office.

The United States Application Number assigned to the application is shown above and the relevant dates are:

04/07/2005
09/07/2005

DATE OF RECEIPT OF 35 U.S.C. 371(c)(1), (c)(2) and
(c)(4) REQUIREMENTS

10/14/2005
DATE OF COMPLETION OF ALL 35 U.S.C. 371
REQUIREMENTS

A Filing Receipt (PTO-103X) will be issued for the present application in due course. **THE DATE APPEARING ON THE FILING RECEIPT AS THE " FILING DATE" IS THE DATE ON WHICH THE LAST OF THE 35 U.S.C. 371 (c)(1), (c)(2) and (c)(4) REQUIREMENTS HAS BEEN RECEIVED IN THE OFFICE. THIS DATE IS SHOWN ABOVE.** The filing date of the above identified application is the international filing date of the international application (Article 11(3) and 35 U.S.C. 363). Once the Filing Receipt has been received, send all correspondence to the Group Art Unit designated thereon.

The following items have been received:

- Copy of the International Application filed on 03/23/2005
- Copy of the International Search Report filed on 03/23/2005
- Copy of IPE Report filed on 03/23/2005
- Copy of Annexes to the IPE filed on 03/23/2005
- Preliminary Amendments filed on 03/23/2005
- Information Disclosure Statements filed on ~~09/07/2005~~ 09/09/2005
- Oath or Declaration filed on ~~09/07/2005~~ 04/07/2005
- U.S. Basic National Fees filed on 03/23/2005
- Priority Documents filed on 03/23/2005
- Power of Attorney filed on 04/07/2005

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

PATRICIA A BOOKER

Telephone: (703) 308-9140 EXT 204

PART 1 - ATTORNEY/APPLICANT COPY

FORM PCT/DO/EO/803 (371 Acceptance Notice)

PTO RECEIPT FOR FILING OF PAPERS**► Mail Room (Regular Delivery)****The following papers have been filed:**PCT Tr; DEC; POA Tr; Gen POA w/ cpy ASSGN.**Name of Applicant:** Gerhard KERN et al.**Serial No.:** New U.S: National Stage of PCT/EP03/03851**Atty. File No.:** 123295**Title (New Cases):** **Sender's Initials:** JAO/mps**PATENT OFFICE DATE STAMP**270/42**COPY TO BE STAMPED BY PATENT OFFICE
AND RETURNED BY MESSENGER****Oloff & Berridge, PLC****277 S. Washington Street, Suite 500, Alexandria, Virginia 22314**

Docket No.: 123295

**DECLARATION UNDER 35 USC §371(c)(4) FOR
PCT APPLICATION FOR UNITED STATES PATENT**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below under my name.

I verily believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought, namely the invention entitled: **ELECTRONIC DISPLAY AND CONTROL DEVICE FOR A MEASURING DEVICE**

described and claimed in international application number **PCT/EP03/03851** filed **April 14, 2003**.

I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations §1.56.

Under Title 35, U.S. Code §119, the priority benefits of the following foreign application(s) filed by me or my legal representatives or assigns within one year prior to my international application are hereby claimed:

European Patent Application No. 02022820.1 filed October 12, 2002

The following application(s) for patent or inventor's certificate on this invention were filed in countries foreign to the United States of America either (a) more than one year prior to my international application, or (b) before the filing date of the above-named foreign priority application(s):

ALL CORRESPONDENCE IN CONNECTION WITH THIS APPLICATION SHOULD BE SENT TO OLIFF & BERRIDGE, PLC, CUSTOMER NUMBER 25944, TELEPHONE (703) 836-6400.

I hereby declare that I have reviewed and understand the contents of this Declaration, and that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

1	Typewritten Full Name of Sole or First Inventor:	Götsch		KERN
		Given Name	Middle Initial	Family Name
2	Inventor's Signature:	<i>Götsch Kern</i>		
3	Date of Signature:	April	4	2005
		Month	Day	Year
	Residence:	Götzis	AUSTRIA	
		City	State or Province	Country
	Citizenship:	Austria		
	Post Office Address: (Insert complete mailing address, including country)	Bleiche 28 A-6840 Götzis, AUSTRIA		

Note to Inventor: Please sign name on line 2 exactly as it appears in line 1 and insert the actual date of signing on line 3.

IF THERE IS MORE THAN ONE INVENTOR USE PAGE 2 AND PLACE AN "X" HERE ☒
(Discard this page in a sole inventor application)

1 **Typewritten Full Name of Joint Inventor:** Klaus SCHNEIDER
Given Name Middle Initial Family Name

2 **Inventor's Signature:** [Signature]

3 **Date of Signature:** April 4 2005
Month Day Year

Residence: Dornbirn AUSTRIA
City State or Province Country

Citizenship: Austria

Post Office Address: Bahngasse 15b
(Insert complete mailing address, including country) A-6850 Dornbirn, AUSTRIA

1 **Typewritten Full Name of Joint Inventor:** Pius VORBÜRGER
Given Name Middle Initial Family Name

2 **Inventor's Signature:** [Signature]

3 **Date of Signature:** April 04 2005
Month Day Year

Residence: Berneck SWITZERLAND
City State or Province Country

Citizenship: Switzerland

Post Office Address: Schmabelweg 2
(Insert complete mailing address, including country) CH-9442 Berneck, SWITZERLAND

1 **Typewritten Full Name of Joint Inventor:** Jürg HINDERLING
Given Name Middle Initial Family Name

2 **Inventor's Signature:** [Signature]

3 **Date of Signature:** April 05 2005
Month Day Year

Residence: Murbach SWITZERLAND
City State or Province Country

Citizenship: Switzerland

Post Office Address: Gehrenstrasse 11
(Insert complete mailing address, including country) CH-9437 Murbach, SWITZERLAND

1 **Typewritten Full Name of Joint Inventor:** _____
Given Name Middle Initial Family Name

2 **Inventor's Signature:** _____

3 **Date of Signature:** _____
Month Day Year

Residence: _____
City State or Province Country

Citizenship: _____

Post Office Address: _____
(Insert complete mailing address, including country)

Note to Inventor: Please sign name on line 2 exactly as it appears in line 1 and insert the actual date of signing on line 3.

This form may be executed only when attached to the first page of the Declaration and Power of Attorney of the application to which it pertains.